
Windham at Willimantic
SUPERIOR COURT
108 Valley St.

Short Calendar

Hon. Kevin E. Booth
9:30 A.M.

NOTICE

ADHERENCE TO THE SHORT CALENDAR MARKING PROCEDURE IS A MANDATORY CONDITION PRECEDENT TO SECURE A RULING OR HEARING ON CALENDAR MATTERS. FAILURE TO COMPLY MAY DELAY DISPOSITION AND RESULT IN UNNECESSARY SHORT CALENDAR APPEARANCES.

ORAL ARGUMENT OF MOTIONS IS LIMITED STRICTLY IN ACCORDANCE WITH C.P.B. SEC. 11-18.

MARKING PROCEDURE FOR CASES ON THIS LIST:

MARKINGS OF "READY," "TAKE PAPERS," "OFF," "OVER (NUMBER) WEEKS," OR, "OVER TO THE (SPECIFIC DATE) SHORT CALENDAR" WILL BE ACCEPTED.

Short calendar markings will occur from 9:00 a.m. Tuesday to 4:00 p.m. Thursday of the week preceding the Civil Short Calendar. In the event a state holiday falls on Thursday preceding the calendar, matters may be marked from 9:00 a.m. Tuesday to 5:00 p.m. Wednesday. If a state holiday falls on Friday preceding the calendar, matters may be marked from 9:00 a.m. Tuesday to 11:00 a.m. Thursday.

Counsel and pro se parties may mark a matter either by fax at (860) 928-7076 or by telephone at (860) 928-5625. A standard fax form is under

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development on the Judicial Branch website (JD-CV-85). In addition, attorneys and law firms may enroll and mark matters through the Calendar Markings Entry transaction on the Judicial Branch website.

When making a marking, counsel and pro se parties are required to provide the following information:

- 1) Column number and position of the case on the calendar;
- 2) Name and docket number of the case;
- 3) Number and title of the motion;
- 4) Marking;
- 5) Full name of the person making the marking and the firm name, if applicable;
- 6) Confirmation that all counsel and pro se parties of record have been notified of the marking.

Counsel and pro se parties shall bring confirmation of the marking to the Short Calendar hearing of an arguable matter.

THE MOVING PARTY MUST GIVE NOTICE OF ANY MARKING TO OPPOSING COUNSEL AND PRO SE PARTIES.

UNLESS OTHERWISE ORDERED BY THE COURT, ON ANY MOTION TO DISMISS, MOTION TO STRIKE, AND MOTION FOR SUMMARY JUDGMENT WHERE AN ELECTION OF THE RIGHT TO ARGUE HAS BEEN EXERCISED IN ACCORDANCE WITH C.P.B. SEC. 11-18, ALL COUNSEL AND PRO SE PARTIES WHO WISH TO BE HEARD SHOULD APPEAR ON THE DAY OF THE CALENDAR PROVIDED THE MATTER HAS BEEN MARKED READY IN ACCORDANCE WITH THE FOREGOING PROCEDURE. ON ALL OTHER CIVIL NON-FAMILY MATTERS ON WHICH A RULING IS DESIRED, COUNSEL MUST CALL IN A "TAKE THE PAPERS" MARKING AS PROVIDED ABOVE. ANY MATTER NOT MARKED SHALL GO OFF.

IT IS THE POLICY OF THIS COURT TO CONSIDER ANY OBJECTION TO A MOTION ON FILE WHEN THE MOTION IS MARKED FOR ADJUDICATION.

SHORT CALENDAR NOTICE FOR FORECLOSURE MATTERS

Provided the matter has been marked "READY," argument will be heard on the day scheduled for short calendar on the following motions: "As of Right" motions listed in P.B. § 11-18 including Motions for Judgment of Foreclosure, Deficiency Judgments, Motions to Approve Committee Sale, Deed, Report, Expenses and Fees, Motions to Open Judgment, Motions for Protection from Foreclosure, and Motions for Judgment on the Mortgage Note.

It shall be at the Court's discretion to accept a "TAKE PAPERS" marking on an "As of Right" motion; those matters for which argument is deemed unnecessary will be taken on the papers while those motions for which argument is required by the Court will be scheduled for a hearing at a later date. The clerk will notify the parties of the hearing date by mail.

Any "Not As of Right" motion which has printed with an "As of Right" motion may be marked "TAKE PAPERS" or, if oral argument is requested pursuant to P.B. § 11-18, it may be marked "READY." If the "Not as of Right" motion is marked "READY" in conjunction with the "As of Right" motion, the Court will hear the matter on the day scheduled for short calendar. If only the "Not As of Right" motion has been marked "READY," the judge will determine whether oral argument is necessary. If oral argument is necessary, a hearing will be scheduled and the clerk will notify the parties of the hearing date by mail. Those matters for which argument is deemed unnecessary will be decided on the papers.

- An Affidavit of Appraisal should be submitted in lieu of testimony except where fair market value is contested. In the case of deficiency judgments, the appraiser shall testify if the appraisal is lower than the fair market value found at the date of judgment or if the fair market value is contested.
- The following originals should be submitted at the hearing on Motion for Judgment of Strict Foreclosure or Motion for Judgment of Foreclosure by Sale: Mortgage Note and Deed (or Affidavit of Loss), Appraisal Report, Affidavit of Debt with updated computation of the debt to day of judgment, and any necessary military affidavits.
- Opposing parties contesting value must file a Notice of Intent to Argue at least 3 days prior to hearing and must certify copies to all counsel and pro se parties of record.
- After a Foreclosure by Sale, the Motion for Supplemental Judgment is to be filed with a copy of the proposed judgment. If supplemental judgment disbursement is held by the clerk, the debt should be calculated to date of disbursement. No appearance should be necessary for a Motion for Supplemental Judgment.
- The Plaintiff shall file an appropriate affidavit indicating compliance with C.G.S. § 8-265dd (the Emergency Mortgage Assistance Payment Program).
- Defaults will not be granted at the time of judgment unless such motions have been filed pursuant to P.B. § 17-20 (Failure to Appear), P.B. § 17-32 (Failure to Plead), and P.B. § 13-19 (No Disclosure of Defense) and there has been compliance with the notice requirements as prescribed in the respective rules. Defaults for Failure to Appear, except as provided in P. B. § 17-23 through 17-30, and Defaults for Failure to Plead will be granted by the clerk. Defaults for Failure to Disclose a Defense will only be placed on the short calendar or heard after compliance with the notice requirements prescribed in P.B. § 10-12 through 10-17.

NOTICE RE: MERS FORECLOSURES

In any foreclosure action where a Mortgage Electronics Registration System company is the plaintiff, no Judgment of Foreclosure shall enter unless an assignment of mortgage to the holder of the promissory note has been recorded on the land records and a Motion to Substitute the holder of the note as the plaintiff has been granted or an affidavit is filed with the court that the plaintiff is the actual holder of the promissory note.

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